

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

OLECIA JAMES

PLAINTIFF

V.

NO. 4:19-CV-66-DMB-RP

**THE CLEVELAND SCHOOL
DISTRICT, et al.**

DEFENDANTS

ORDER

On March 30, 2021, Olecia James filed four motions: (1) a motion to file out of time exhibits in support of her response to Lisa Bramuchi's motion for summary judgment and to file an amended response to Bramuchi's motion, Doc. #241; (2) a corrected motion to file out of time the exhibits and amended response to Bramuchi's motion, Doc. #242; (3) a motion to file out of time an amended response to Randy Grierson's motion for summary judgment, Doc. #244; and (4) a motion to file out of time an amended response to the Cleveland School District's motion for summary judgment, Doc. #245. As grounds for these motions, which were filed one day after the expiration of the relevant response deadlines, James argues that she was unable to upload all relevant documents and that the responses contained errors in identifying the documents referenced in the respective supporting memorandums. *See, e.g.*, Doc. #241 at 1–2. Bramuchi, the School District, and Grierson responded in opposition to the motions. Doc. #258.

As this Court has observed with alarming frequency with respect to many of James' filings, once a deadline has passed, a party seeking an extension must establish excusable neglect for the requested extension. Fed. R. Civ. P. 6(b)(1)(B). However, even in the absence of excusable neglect, a court has discretion to consider an untimely filing. *Farina v. Mission Inv. Tr.*, 615 F.2d 1068, 1076 (5th Cir. 1980). In exercising its discretion, a court should consider whether considering the untimely document would advance the interests of justice. *Flooring Assocs., Inc. v. Design Mfg. Int'l, LLC*, No. 2:20-cv-57, 2020 WL 6119424, at *2 (W.D. Wash. Oct. 16, 2020).

Even if James could not establish excusable neglect to support her motion, the Court concludes that the interests of justice favor considering the untimely filings. Specifically, the Court finds that all relevant documents were filed within hours of the expiration of the deadline, thereby eliminating any potential prejudice to the defendants; consideration of the missing exhibits would advance the interest of deciding this case on the merits; and accepting the corrected exhibit lists will assist the Court in reviewing the parties' filings. Accordingly, James' corrected motion to file exhibits and an amended response to Bramuchi's motion [242], her motion to file an amended response to Grierson's motion [244], and her motion to file an amended response to the School District's motion [245] are all **GRANTED**. Such documents¹ are deemed timely filed. The first motion to file out of time [241] is **DENIED as moot**.

SO ORDERED, this 17th day of May, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ These documents are the thirteen attachments to Document 241, and the exhibit lists included in Documents 242, 244, and 245.